

Notice of Allowability

Application No.

09/863,759

Examiner

John M. Winter

Applicant(s)

JONES ET AL.

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to The paper filed on January 30, 2006.
2. ☒ The allowed claim(s) is/are 1-8 and 12.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 6/29/2006
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date ____.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other ____.

John M. Winter
PRIMARY EXAMINER

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DETAILED ACTION

Allowable Subject Matter

Claims 1-8 and 12 are allowed over the prior art record.

1. The following is an examiner's statement of reasons for allowance:

2. The closest prior art of record

Hughes et al (US Patent 5,754,655 teaches a system for remote purchase payment and remote bill payment transactions. <http://www.fortworthgov.org/h2online/faq.asp> teaches a method for secure network bill payment. Hanck (WO 9847264) teaches a method for checking hash values in digital data.

What they fail to teach or suggest:

A.

providing said primary account number to a database of card information and comparing the primary account number with said database to provide a preliminary assessment categorizing the card as 1) known to be debit capable, 2) unknown to be debit capable, or 3) known to be only credit capable, processing known only credit capable cards using a credit protocol, processing known debit capable cards using a modified debit protocol that initially assumes a PIN authorization debit protocol and prompts the cardholder to enter the PIN authorization, said modified debit protocol defaulting to an either a non PIN based authorization debit protocol or credit protocol when a request to override is received and thereafter following the protocol according to the request to override, and processing unknown to be debit capable cards using a protocol that initially requires a clarification signal selecting a debit or credit protocol and completing the transaction according to the selected protocol.

These distinct features render claim 1 allowable.

Claims 2-8 are dependant upon claim 1 and are allowable for at least the same reasons.

B.

conducting a preliminary assessment whether the particular transaction is capable of being settled using a debit point of sale transaction network, requesting the entry of a PIN when the preliminary assessment indicates the capability of being settled as a debit transaction and upon entry of the PIN settling the transaction through a debit point of sale transaction network and settling the transaction through a credit transaction network if the card is not debit capable; and including in the event the preliminary assessment is uncertain whether the transaction is capable of being settled using a debit point of sale transaction network seeking additional information from the card holder with respect to entry of information clarifying whether the transaction is to

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be settled as a PIN based debit transaction or non PIN based transaction and thereafter using the appropriate: PIN based settling through the debit point of sales transaction network or the credit network, and further including adding to said database BIN information with respect to any PIN based debit transactions successfully settled where the preliminary assessment was uncertain whereby future transactions using the particular card will be recognized as capable of settlement using the debit point of sale transaction network,

These distinct features render claim 12 allowable.

Conclusion

Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the examiner should be directed to John Winter whose telephone number is **(571) 272-6713**. The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **James Reagan** can be reached at **(571) 272-6710**. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

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Washington, D.C. 20231

or faxed to:

(703) 305-7687 [Official communications; including After Final communications labeled "Box AF"]

Hand delivered responses should be brought to the Examiner in the Knox Building, 50 Dulany St. Alexandria, VA.

JMW

July 24, 2006